

**REMARKS**

Claims 1-5 are currently pending. Applicant thanks the Examiner for the allowance of Claims 4 and 5 and the indication of allowable subject matter in claim 3. Claims 1, 2 and 5 have been amended. No new matter has been added. Applicant respectfully requests reconsideration of the above-identified application in light of the above amendments and the following remarks.

Claim 1 has been amended to recite “a throttle passage branching from said fuel supply passage, the throttle passage normally communicating with a fuel drain passage upstream from the check valve,” to further define Applicant’s invention. Support for this amendment is found throughout the Specification and Drawings, as filed, for example in the Specification at page 2, third paragraph; page 11, first through third paragraphs; and in Figure 1.

Claim 2 has been amended to recite “said throttle passage is a throttle hole feeding a small amount of fuel to a first drain for said plunger,” to further define Applicant’s invention. Support for this amendment is found throughout the Specification and Drawings, as filed, for example in the Specification at page 11, last two paragraphs, and Figure 1.

Claim 5 has been amended to clarify that “said fuel supply passage extends from a fuel supply port”. Support for this amendment is found throughout the Specification and Drawings, as filed, for example in the Specification at page 8, first paragraph and in Figure 1.

**Claim Rejections Under 35 U.S.C. §102**

1. Claims 1 and 2 have been rejected under 35 U.S.C. §102(b) as being anticipated by Deckard U.S. Patent No. 4,527,737 (“Deckard”). Applicant respectfully traverses this rejection.

Deckard cannot anticipate amended independent claim 1 or claim 2 which depends therefrom, because it does not teach every element of that claim. See MPEP §2131, p. 2100-69 (*quoting Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) (“[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”)).

Independent claim 1, as amended, recites “a throttle passage branching from said fuel supply passage, the throttle passage normally communicating with a fuel drain passage upstream from the check valve.” That is, by reference to the specification for example only, the throttle passage (65, 46, 63) is arranged in parallel to the fuel supply passage (44) and the check valve (46). Fuel enters via the fuel supply port (43), some fuel (and bled air) passing upward through the throttle passage (65, 46, 63), and other fuel proceeding toward the check valve (45) in the pressure intensifying mechanism (3).

Deckard describes an electromagnetic unit fuel injector with a differential valve. Regarding claim 1, the Examiner refers to the chamber (20) of Deckard as a “throttle passage.” However, Deckard provides no indication that the chamber (20) functions as a throttle passage.

Even if the chamber (20) of Deckard were considered to be a throttle passage, in Deckard, the chamber (20) and ball valve (26) are arranged in *series* relative to one another. Specifically, the radial passage (24) connects the ball valve (26) and the chamber (20). Accordingly, Deckard does not teach or suggest the claimed fuel injector of claim 1, in which throttle passage (65, 46, 63) and the check valve (45) are in *parallel*, as described above.

Regarding claim 2, the Examiner states that the alleged “throttle passage” of Deckard “is a throttle hole communicating with a first drain 90 for the plunger.” See Office Action at page 2, end.

However, amended claim 2 recites “feeding a small amount of fuel to a first drain for said plunger.” In contrast, in Deckard, the passage (90), that is connected to the chamber (20), is not for draining fuel *from* the chamber (20), which the Examiner alleges is the claimed “throttle passage”. Rather, fuel flows from the passage (90) *into* the chamber (20). See Deckard, column 7, lines 23-30. Accordingly, Deckard does not teach or suggest the claimed fuel injector in which fuel is fed to a first drain via a throttle passage.

For at least the foregoing reasons, Applicants respectfully submit that independent claim 1 and dependent claim 2 define patentable subject matter over Deckard.

Withdrawal of the rejection applied to claims 1 and 2 under 35 U.S.C. §102(b) as being anticipated by Deckard, is respectfully requested.

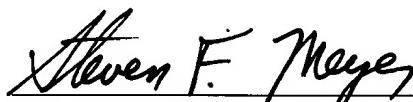
### CONCLUSION

In light of the foregoing, Applicants respectfully submit that all claims, as currently presented, define patentable subject matter over the cited art, considered alone or in combination. Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

Respectfully submitted,  
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